IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12028 of 2004

Between:

M/s.Rahatnagar Co-operative House Building Society Ltd., (TBC-56) having

its office at 3rd Floor, 21st Century Complex, Nampally, Hyd., rep.,

by its Secretary Sri S.M.Baig, s/o K.M.Baig, r/o 5-8-112,
3rd Floor, 21st Century Complex, Nampally, Hyderabad.

..... PETITIONER

AND

1 The Commissioner, Appeals, Office of the Chief Commissioner of Land Administration, Hyderabad.
2 The Special Officer & Competent Authority, Urban Land Ceilings

A.P., 3rd Floor, Chandralok Complex, M.J.Market, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus to declare the order dt.26-5-2004 in Appeal No.Hyd/64/2003 on the file of the 1st respondent and the order dt.4-8-2003 in C.C.No's F1/6360/76, 6361/76, 6362/76 and 6363/76 passed by the 2nd respondent and set-aside the same.

Counsel for the Petitioner: MR.B.VIJAYSEN REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following ORDER :

Petitioner, a Society registered under the Cooperative Societies Act 7 of 1964, is claiming to be the owner and possessor of Ac.160.00 of land in Revenue survey No.1007 of Kukatpally village, Balanagar Mandal, R.R. District by virtue of Hiba Bil Qabz dated 05.12.1973 executed by Mr. Ameer Mohd Khan, BegumZehra,Kulsoom, Begum Zainab Sharfuddin, Mr,.Mohd Arifuddin,Mr.Mohd Rasheeruddin,Mr. Shaik Ali and Ramhmath Begum Saheba. Apart from the same, it is also in possession of Ac.33.15 guntas of land in survey No.1009, since 1972. The second respondent passed proceedings in C.C. Nos. F1/6360/76, 6361/76, 6362/76 and 6363/76 dated 4.8.2003 under Section 8(4) of the Urban Land (Ceiling and Regulation) Act, 1976 declaring several extents of land, including the land of the petitioner-Society, in survey No. 1007 as surplus. Aggrieved by the same, the petitioner-Society filed Appeal No.64 of 2003 before the first respondent, who heard the same, along with other appeals, and rejected the appeal filed by the petitioner-Society, while remanding the other appeals to the second respondent. Hence, the present writ petition.

Learned counsel for the petitioner-Society submits that the petitioner-Society has not entered into an agreement with the owner Hashim Ali and the previous

owners who gifted the property to the petitioner-Society by virtue of HIBA dated 05.12.1973. He further contends that the first respondent ought to have remanded the appeal filed by the petitioner for fresh computation of holding, along with the other appeals wherein the subject matter is the same land.

Having heard the learned counsel on either side and having perused the material available on record, it is evident that the petitioner-Society is claiming the property from the previous owners M/s Amir Mohammed Khan and others by virtue of a gift deed dated 05.12.1973.In view of the same, seeking exemption under Section 20 of the Act by Hashim Ali does not arise. Once the other appeals, involving the same land as subject matter, are remanded to the competent authority for fresh consideration, the appeal claim of the petitioners has also to be remanded to the first respondent for common enquiry along with the appeals of others.

Accordingly, this writ petition is allowed and the impugned order is set aside. The matter is remanded to the first respondent, who shall enquire into the claim of the petitioner along with other claims and pass appropriate orders in accordance with law. No costs.

04.10.2004

ksld

To

1 The Commissioner, Appeals, Office of the Chief Commissioner of Land Administration, Hyderabad.
2 The Special Officer & Competent Authority, Urban Land Ceilings

A.P., 3rd Floor, Chandralok Complex, M.J.Market, Hyderabad.

3 Two CCs. to the Govt.Pleader for Revenue, High Courtjk of A.P.,

Hyderabad (OUT).

4 Two CD copies.